

RULES AND REGULATIONS

PROCEDURE NO. 117-27

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U.S. DISTRICT COURT
N.D. OF ALABAMA

VEHICLE PURSUIT POLICY

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PURPOSE: To establish a Departmental Vehicle Pursuit Policy.

I. PREFACE

The policy of the Birmingham Police Department is that **law violators be apprehended whenever it is feasible under existing conditions.** Officers are to balance the need for immediate apprehension of suspect(s) with the need to protect the public from danger caused by pursuit(s). All officers are reminded that their basic responsibility is to protect the public and public safety shall be paramount.

II. DEFINITION

Vehicular Pursuit:

The pursuit of a vehicle by a marked departmental vehicle having all warning devices activated, to effect the arrest or prevent the escape of a fleeing law violator(s).

III. JUSTIFICATION FOR VEHICLE PURSUIT

- A. Justification for engaging in a police vehicle pursuit must be limited to the facts known by the pursuing officer at the time a decision is made to engage in such pursuit. Information not established as fact at the time the pursuit is initiated, no matter how compelling, cannot be considered later in determining whether the pursuit was justified. Officers shall not initiate a pursuit based upon a minor traffic infraction (i.e. no seat belt), misdemeanor or reckless driving in response to enforcement action taken by the officer.
- B. Police vehicle pursuits are authorized in the following circumstances:
1. To effect the arrest or to prevent the escape of a person(s) whom the officer reasonably believes has committed or is committing a felony involving the use, or threatened use of a deadly weapon, or a violent felony against a person.
 2. Officers may pursue felons and misdemeanants, including law violators who exhibit behaviors of illegally driving under the influence of drugs or alcohol.
 3. If reasonable suspicion or probable cause exists that a felony or misdemeanor crime has occurred, is occurring, or is about to occur, officers may pursue a suspect vehicle.

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- C. Officers will not initiate or participate in a vehicle pursuit under the following conditions:
1. The decision to pursue is based only on a traffic violation or misdemeanor evading (including failure to yield or reckless driving in response to an enforcement action taken by Department personnel).
 2. They are transporting a prisoner(s), detained person, trustee, or witness.
 3. They have a ride along or any other civilian in the vehicle.
 4. The vehicle is not equipped with all warning devices (lights and siren).

IV. GENERAL PROCEDURE

- A. Officers initiating the pursuit of a vehicle that has failed to stop for the officers' emergency lights and siren shall immediately contact the Communications Department, request a Code 10-100 and transmit the following information:
1. Unit designation.
 2. Location and direction of travel.
 3. Reason for pursuit.
 4. Color and make of vehicle, if discernible.
 5. License number of vehicle, if discernible.
- B. The Communications Department shall alert the nearest supervisor in the field of the pursuit so that the supervisor can monitor and order termination of the pursuit if it becomes unreasonable under the existing conditions.
- C. The Communications Department shall also alert either the Lieutenant on duty in the precinct initiating the pursuit or the nearest on-duty Lieutenant.
- D. The Communications Department will notify all units to maintain radio silence until the pursuit is terminated.
- E. At no time during the pursuit will officers turn off or otherwise disable the vehicle mounted audio/video recording system (See Birmingham Police Rules and Regulations 117-72, Vehicle Mounted Audio/Video Recording).



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- F. Officers shall, upon initiating a vehicle pursuit, activate their body worn camera and leave it activated throughout the pursuit and apprehension of the suspect/violator(s) (See Birmingham Police Rules and Regulations 117-75, Body-Worn Cameras).
- G. No more than four (4) vehicles will be involved in pursuit: the pursuit vehicle, two (2) support vehicles, and a supervisor:
1. The Field Supervisor and Communications shall monitor radio communications to ascertain that no more than four (4) units are involved, and if more than four (4) units are involved, declare which unit(s) are to cease pursuit.
 - a. The primary duty of the secondary units are to follow the primary unit at such a distance as to afford safety and maneuverability.
 - b. Secondary units may act as the communicator during the pursuit to allow the primary unit driver to concentrate on safety and the pursuit.
 - c. If the pursued vehicle makes a sudden change of direction and/or turn, a secondary unit will assume the role of the lead vehicle and continue the pursuit in a safe manner.
 - d. Upon stopping the pursued vehicle, the role of the support units is to provide support and assistance to the primary unit.
 2. If additional units are needed the senior officer in the primary unit or a supervisor shall request a specific number of units to join the pursuit.
 3. If a motorcycle is involved in pursuit, that unit shall relinquish his position when a marked four-wheel unit enters the pursuit and after sufficient units enter the pursuit, the motorcycle shall disengage the pursuit.
 4. If the unit relinquishing its position is the initiator of the pursuit, that unit shall respond to the termination point in a non-emergency mode.
- H. Pursuit by Another Jurisdiction
1. If a single police vehicle from another agency continues a pursuit into, or initiates a pursuit within the City of Birmingham, **NO** Birmingham



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police unit shall enter the pursuit without being requested by that Law Enforcement.

2. When Birmingham units pursue outside the city limits, the Communications Department will notify the proper agency and relay all pertinent information.
3. When units from other jurisdictions assume the pursuit, all Birmingham units will cease the pursuit but units may respond termination point of the pursuit to assist, if within Birmingham City Limits.
4. It will be the responsibility of the Field Supervisor involved in the pursuit to determine if the pursuit should continue or cease upon leaving the city limits.

V. CONSIDERATIONS FOR CONTINUING A PURSUIT

- A. During the course of a pursuit, officers and supervisors must question the reasonable necessity of continuing the pursuit. **Officers must also weigh the seriousness of the offense against the potential danger of the pursuit to themselves and the public.**
- B. Supervisors are reminded that they have the responsibility to monitor all vehicle pursuits to ensure compliance with this policy.
- C. Factors to consider in continuing a pursuit:
 1. Whether there is an unreasonable risk to the public's safety, to the pursuing officers' safety, or the safety of the occupant(s) in the fleeing vehicle.
 2. The seriousness of the crime and its relationship to community safety.
 3. The area of the pursuit: residential, commercial, rural, or interstate highway.
 4. Traffic conditions: volume of vehicular traffic, volume of pedestrian traffic, and current road conditions.
 5. Unfavorable weather conditions, such as rain, snow, fog, etc.
 6. Excessive speed of the fleeing vehicle given the current area and conditions of the pursuit.

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7. Whether the suspect/violator can be apprehended at a later time.
8. If visual contact is lost, other than momentarily.
9. The familiarity of the primary pursuing unit with the area of the pursuit.
10. The ability of the primary and/or secondary pursuing units to clearly communicate up-to-date information regarding the location, direction of travel, and speed of the pursuit.

D. Terminating a Pursuit

1. Pursuits shall be terminated if the danger of continuing the pursuit clearly outweigh the benefits of continuing it, or
2. When SPECIFICALLY instructed to do so by any supervisor or command officer.
 - a. The primary and all other Birmingham units in the pursuit shall immediately stop their location, and wait for a supervisor to respond to their location. When possible a supervisor will respond to the location and meet with the involved unit(s).

E. Roadblocks will not be set up to stop violators.**F. The Pursuit Intervention Technique (PIT) maneuver shall only be employed by personnel who have successfully completed authorized training in the maneuver and whose name is on a certification list maintained at the Police Range. The following factors should be considered when making the decision to employ the maneuver.**

1. The PIT Maneuver is only to be employed with permission from a supervisor.
2. Employing the PIT Maneuver may be considered the Use of Deadly Force.
3. Employment of the PIT Maneuver should only be considered as a last resort in the most extreme circumstance when all other alternatives have been exhausted.



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4. Vehicular damage incurred during the employment of a PIT Maneuver will not be deemed to be a Police Accident as the maneuver is considered a Use of Force and is considered an intentional act. In addition to an Incident Report and Pursuit Critique required by this procedure the following reports should be completed to document the PIT maneuver and any subsequent damage.

- a. Police # 279, Damage to City Property

- b. Police # 761, Use of Force Report

- G. Spike strips may be utilized by trained personnel to assist in the safe termination of the pursuit. Spike strips shall be employed in accordance with Birmingham Police Rules and Regulations 117-69 (Spike Strips).

- H. No Cushman vehicles or Smart Vehicles shall engage in vehicle pursuit.

- I. Officers operating Cushman or Smart Vehicles may attempt to stop vehicles by using their emergency lights and sirens; however, if the vehicle they are attempting to stop fails to obey and flees, pursuit is prohibited.

- J. Deliberate Physical Contact:

Members shall not cause deliberate physical contact between their vehicle and the fleeing vehicle, nor shall they pull alongside the fleeing vehicle in an attempt to force it into any obstacle except as authorized in Section V, Subsection F of this rule regarding the authorized use of the PIT-Maneuver.

- K. Pursuit by Unmarked Vehicles:

1. Unmarked departmental vehicles may not initiate a pursuit without the authorization of a Supervisor unless there is an imminent threat to life or great bodily harm represented by the continued freedom of the suspect.
2. The unmarked unit shall discontinue pursuit when the marked unit is in position to overtake and continue the pursuit. The unmarked unit may proceed toward the point of termination, but while operating under normal driving conditions.
3. This does not apply to semi-marked vehicles or unmarked vehicles assigned to the Tactical Unit or other unit designated by the Chief of Police equipped with all necessary emergency equipment designed for

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the express purpose of vehicular pursuit and operated by personnel trained in its proper use.

VI. CRITIQUING A VEHICLE PURSUIT

- A. The supervisor providing oversight of the officer initiating the pursuit should discuss the pursuit with the officers involved as soon as possible.
- B. The supervisor providing oversight of the pursuit shall complete a "Vehicle Pursuit Investigation Report" to be used for training and policy review.
- C. The original report(s), with a copy of all identified incident reports, shall be sent through the chain of command to the Chief of Police with an information copy to the Commander of the Administrative Operations Bureau. The commander of the bureau involved in the pursuit shall review the critique for policy recommendations.
- D. The Commander of the Administrative Operations Bureau will send copies of the reports to the following:
 1. **Accreditation Unit:**
 - a. To prepare an annual analysis of vehicle pursuits which may reveal patterns or trends that indicates training needs and/or policy modifications.
 - b. To prepare an annual review of pursuit policies and reporting procedures.
 2. **Academy:** To review and prepare appropriate training bulletins for unit supervisors to use in roll call training.
 3. **Internal Affairs:** To catalog vehicle pursuit data for inclusion in the monthly Professional Standards Review (Early Warning).

Patrick D. Smith, Chief of Police

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ATTACHMENT A: VEHICLE PURSUIT INVESTIGATION REPORT

(LOCATED IN ADMIN FORMS UNDER THE FORMS AND TEMPLATES TAB)